

John Wiley & Sons, Inc. v. DRK Photo

Case No. 1:11-cv-05454 (KPF)

**Supplemental Declaration
of Robert Penchina**

In Support of Motion for Summary Judgment

Exhibit L

AMERICAN ARBITRATION ASSOCIATION
Arizona

<i>In Re:</i> DRK Photo, Claimant, <i>and</i> John Wiley & Sons, Inc., Respondent.	AAA # No. 76 143 00193 11
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DECLARATION OF STEPHEN J. KRASEMANN

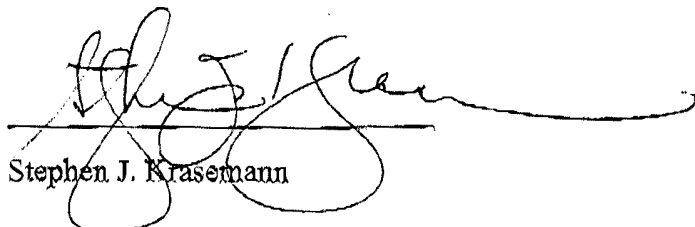
I, Stephen J. Krasemann, hereby declare pursuant to 28 U.S.C. § 1746:

1. I am a professional photographer, residing in Neerbing, Ontario.
2. Over the years, I have placed many of my photographs in DRK Photo's collection, with the intent that DRK Photo issue licenses to third parties for their use.
3. On April 14, 2009, I executed a Copyright Assignment and Accrued Causes of Action Agreement, assigning to DRK Photo all copyrights and complete legal title to all of my photographs in DRK Photo's collection. At the time I executed that agreement, I intended to transfer the rights to all such photographs, including those that I had previously registered with the Copyright Office.
4. DRK Photo currently retains ownership of the copyrights, and complete legal title, to all of the Stephen Krasemann photographs in its collection, including, but not limited to, those covered by copyright registrations VAu-175-200, VAu-516-002.
5. The copyrights to the photographs I assigned to DRK have not reverted back to me.
6. The photograph identified as "Aerial Permafrost Polygons," Image No. 1s901854 in the Amended Arbitration Demand in this case, and on the DRK Photo website, was included in the deposit I submitted to the Copyright Office for Copyright Registration No. VAu 175-200.

7. I have reviewed the deposit copy from the Copyright Office for Registration No. VAu 175-200. It appears that the reflection of the light from the copier created a distortion in the copy, making it difficult if not impossible to match the images.

8. I declare under penalty of perjury that the foregoing is true and correct.

Signed this 30TH day of August, 2012.



Stephen J. Krasemann